

DEXTER VILLAGE COUNCIL
REGULAR MEETING
MONDAY, AUGUST 23, 2010

A. CALL TO ORDER AND PLEDGE OF *ALLEGIANCE*

The meeting was called to order at 7:30 PM by President Keough in the Creekside Intermediate School located at 2615 Baker Road in Dexter, Michigan.

B. ROLL CALL: President Keough

J. Carson	P. Cousins
D. Fisher	J. Semifero
J. Smith	R. Tell

C. APPROVAL OF THE MINUTES

1. Regular Council Meeting – August 9, 2010

Motion Smith; support Carson to approve the minutes of the Regular Council Meeting of August 9, 2010 with the following correction:

Change the word *accept* to *except* on page 3 in the amendment to the motion and the amended motion

Unanimous voice vote for approval

D. PREARRANGED PARTICIPATION

None

E. APPROVAL OF THE AGENDA

Motion Semifero; support Smith to approve the agenda with the following changes:

Add an update on item I-4, Village Manager's Report

Add an update on item J-1, Consideration of Bills & Payroll

Add item J-3 on the Consent Agenda, Request from Dexter Area Firefighters Local 4090

Unanimous voice vote for approval

F. PUBLIC HEARINGS

Action on each public hearing will be taken immediately following the close of the hearing

The Public Hearing was opened at 7:32 pm by Village President Shawn Keough.

Erik Schnurstein of 3249 Eastridge Drive, Dexter, shared concerns about bees and chickens that they are not appropriate within the Village setting sighting noise factors, smell, concern for property values and safety issues with bees as recently reported in the local news in Pittsfield Township.

Dinah Grissom of 3360 Central Street, Dexter, reiterated her previous concerns with chickens and that chicken coops will draw other critters such as raccoons and rats.

Mary Ellen Miller of 7654 Forest Street, Dexter, mentioned that when she bought her house it came with a chicken coop and that other communities have developed ordinances for chickens. She also mentioned the bee incident in Pittsfield Township which was due to improper handling and that she favors bees.

Evelyn Smith of 7810 Fifth Street, Dexter, reported on attending bee-keeping school and is interested in the pollination that bees perform. She stated that people need to be respectful of hives and that if people take care and maintain their property; she is not opposed to chickens.

President Keough closed the hearing at 7:42 pm.

Consideration of: Amendments to the General Code of Ordinances, Article 1, Section 10, Animals and Article 2, Section 10, Dogs

Motion Cousins; support Carson to accept the amendments to the General Code of Ordinances, Article 1, Section 10, Animals and Article 2, Section 10, Dogs.

Ayes: Cousins, Tell and Carson

Nays: Fisher, Smith, Semifero and Keough

Motion fails 3 to 4

Motion Semifero; support Smith to postpone the vote on the amendment to allow staff to revise the language applicable to dogs and remove the language on bees and chickens.

Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins, Keough

Nays: None

Motion carries

NON-ARRANGED PARTICIPATION

Mary Ellen Miller of 7654 Forest Street, Dexter, addressed Council on the changes made on Forest Street with the recent water main project and that it is not reasonable to not allow parking in the front of residents homes. She also addressed the Inverness and Forest intersection stating that nothing that was done there has increased walkability. (Comments attached)

Tom Jarvis of 7649 Forest Street, Dexter, spoke of the continuing narrowing of Village streets and numerous stop signs in the Village. He raised the question how the Village makes decisions without consulting citizens.

H. COMMUNICATIONS:

1. Upcoming Meeting List
2. Chelsea Area Planning Team/Dexter Area Regional Team 7-19-2010 minutes

I. REPORTS

1. Community Development Manager – Allison Bishop

Ms. Bishop submits her report as per packet. She also asked Council for feedback on the Westside Connector design and the direction to go on refining the usage of monies in the Transportation Improvement Plan that could include sidewalk connections to The Cedars of Dexter.

2. Boards, Commissions. & Other Reports-“Bi-annual or as needed”

Gordon Hall Mgmt Team Representative – Donna Fisher
Report moved to September meeting.

3. Subcommittee Reports

Website - None
Downtown Fire Detection - None
Economic Preparedness – None

4. Village Manager Report

Mrs. Dettling submits her report as per packet. Mrs. Dettling reported on attending a meeting in Lansing today about the Total Maximum Daily Load limits on phosphorous. Ms. Nicholls spoke about the issues with cape sealing and issues with the pavement repairs from Soil and Material Engineers, Inc. (SME) and the roads will be striped around the school areas before the start of school

5. President's Report

Mr. Keough submits his report as per packet. In addition Mr. Keough mentioned the LaFontaine proposal on property improvements and that he would not be able to attend the August 25th union contract meeting.

J. CONSENT AGENDA

1. Consideration of: Bills and Payroll in the amount of \$819,886.88
2. Consideration of: Request from Connexions Church to place four (4) signs in the right-of-way on Sundays for the remainder of 2010
3. Consideration of: Request from Dexter Area Firefighters Local 4090 to collect Money for Muscular Dystrophy Association on September 11 and 12, 2010

Motion Fisher; support Smith to approve items 1, 2 and 3 of the consent agenda.

Unanimous voice vote for approval

K. OLD BUSINESS-Consideration and Discussion of:

1. Discussion of: Preliminary Facilities – Fire Station Information

Motion Cousins; support Carson to have Rich Henes identify the different construction types that could apply for a fire department building at a cost of \$1000.00 or less.

Ayes: Semifero, Tell, Fisher, Carson, Cousins and Keough

Nays: Smith

Motion carries 6 to 1

At 8:50 p.m. a recess was taken and the meeting re-convened at 8:55 p.m.

L. NEW BUSINESS-Consideration of and Discussion of:

1. Discussion of: Water Main Project Restoration

Discussion included but was not limited to the restoration of washed out areas, parking on areas of the right-of-way during restoration, Americans with Disabilities Act ramp locations, widening asphalt near group mailboxes, and consistency of drive approaches to driveways and alleys. It was emphasized that cooperation is needed from residents in the areas of the project.

2. Consideration of: Planning Commission recommendation for amendments to Article 7 of the Zoning Ordinance - Signs

Motion Carson; support Semifero per Section 23.06, Criteria for Amendment to the Zoning Ordinance Text and the Planning Commission's recommendation, the Village Council approves the proposed amendments to Article 7, Signs section 7.075E only due to factors deemed appropriate by the Planning Commission and Zoning Board of Appeals and to promote the implementation of the goals and objectives of the Master Plan.

Ayes: Tell, Carson, Cousins, Smith, Fisher, Semifero, and Keough

Nays: None

Motion carries

3. Consideration of: Washtenaw County Parks Westside Connector Site Plan

Coy Vaughn of the Washtenaw County Park and Recreation Commission and Phil Vogelsang of URS Corporation distributed additional information regarding the Westside Connector Site Plan.

Motion Carson; support Semifero based upon the information received from the applicant, as recommended by the Planning Commission and Parks and Recreation Commission and in conformance with Section 21.04(E)3 of the Village of Dexter Zoning Ordinance, the Village Council finds the Washtenaw County Parks Border to Border Trail plans for the Westside Connector dated 8/17/10 meets the requirements for approval of the combined site plans. In making this determination, the following additional considerations shall apply:

1. All efforts should be made to eliminate the boardwalk roof structure.
2. Receipt of construction easements from all property owners.
3. Relocation of the swing set as required by present design.

Ayes: Carson, Cousins, Fisher, Smith, Semifero, Tell and Keough

Nays: None

Motion carries

4. Consideration of: Medical Marihuana Dispensary Moratorium

Motion Semifero; support Fisher that the Village Council hereby imposes a temporary moratorium prohibiting the initiation of the use on any property in the Village as a facility for dispensing marihuana for medical and any other purpose and for cultivating marihuana plants, and that any zoning compliance permits or building permits for such uses be deferred for a period of 120 days from the date of this resolution, in conjunction with the study and revision of the Village Zoning Ordinance or other ordinances regarding this issue. Be it further resolved that the Village Council directs staff and the Planning Commission to study and make specific recommendations for ordinance amendments regarding the issue of facilities for dispensing marihuana and/or cultivating plants for medical or any other purposes.

Ayes: Cousins, Fisher, Smith, Semifero, Tell, Carson and Keough

Nays: None

Motion carries

5. Consideration of: Downtown Development Authority Appointments

Motion Smith; support Semifero to affirm the recommendations of the Downtown Development Authority (DDA) for the reappointments of DDA Board members including reaffirming member's terms.

Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins and Keough

Nays: None

Motion carries

M. COUNCIL COMMENTS

Carson	None
Fisher	Attended the Henry Thurston Day banquet on behalf of the Village and presented him a proclamation from the Village.
Smith	None
Jones	Spent last Saturday at the Farmer's Market gathering signatures for the Cityhood petitions and will do so again next Saturday. The Farmer's Market has certainly grown over past years.
Cousins	Thanked all for attending his and Pat's Anniversary Open House
Semifero	None
Tell	Inquired about the sign posted at Adair Printing and their future plans.

N. NON-ARRANGED PARTICIPATION

None

O. ADJOURNMENT

Motion Smith support Fisher to adjourn at 11:03 pm.

Unanimous voice vote for approval

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: September 13, 2010

**RESOLUTION TO IMPOSE A
TEMPORARY MORATORIUM ON
THE USE OF PROPERTY AND
STRUCTURES IN THE VILLAGE FOR
DISPENSING OR CULTIVATING
MARIHUANA**

Village of Dexter
County of Washtenaw
State of Michigan

Minutes of a regular meeting of the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan, held on the 23rd day of August, 2010, Eastern Daylight Time.

PRESENT: Members: Carson, Cousins, Fisher, Tell, Semifero, Smith and Keough

ABSENT: Members: None

The following preamble and resolution were offered by Member Semifero and supported by Member Fisher:

WHEREAS, the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan (the "Village"), has received inquiries concerning the use of property and structures in the Village for use as facilities for dispensing medical marihuana and/or cultivating medical marihuana plants; and

WHEREAS, the Village of Dexter's Zoning Ordinance does not specifically provide for properties or structures to be used as facilities for dispensing marihuana or cultivating medical marihuana plants for medical or any other purposes, and this use was not envisioned when the zoning ordinance was adopted;

WHEREAS, the Village of Dexter Master Plan adopted on April 11, 2005 and amended on October 23, 2006, does not expressly address whether and/or where to allow facilities for dispensing marihuana and/or cultivating marihuana plants;

WHEREAS, the Michigan Medical Marihuana Act ("the Act") permits registered qualifying patients and primary caregivers to possess specific amounts of marihuana and to cultivate a specific number of plants, but the Act does not specifically provide for facilities for dispensing medical marihuana and/or cultivating medical marihuana plants;

WHEREAS, the federal law contains no provisions for the dispensation or cultivation of marihuana for medical or any other purposes;

WHEREAS, it is unclear whether any state and/or federal regulations that apply to entities that dispense controlled substances, for the benefit of the public health, safety, and welfare, would apply to facilities where marihuana is dispensed or where marihuana

is cultivated;

WHEREAS, therefore, federal, state, and local laws lack clarity as to whether such facilities might be allowed and, if allowed, where they might be located that is conducive to the public health, safety and welfare of the Village;

WHEREAS, the issue of allowing or disallowing facilities for dispensing or cultivating of marihuana may be settled by the state Legislature;

WHEREAS, the Village desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, MCL 333.26423(d) in order to protect the public health, safety and welfare;

WHEREAS, Village Council has determined that it is necessary to amend the Village Code to address this issue and is directing staff and the Planning Commission to study, and make specific recommendations to amend the Village Code regarding such facilities; and

WHEREAS, it is therefore prudent to immediately forbid use of all property and structures in the Village of Dexter as facilities for dispensing and/or cultivating plants for medical marihuana or any other purpose for a limited period of time until the Village Code can be amended to address such facilities;

RESOLVED, that Village Council hereby imposes a temporary moratorium prohibiting the initiation of the use of any property in the Village as a facility for dispensing marihuana for medical and any other purpose and for cultivating marihuana plants, and that any zoning compliance permits or building permits for such uses be deferred for a period of 120 days from the date of this resolution, in conjunction with the study and revision of the Village Zoning Ordinance or other ordinances regarding this issue;

RESOLVED, that this moratorium does not apply to the following:

- A dwelling unit (as defined by the Zoning Ordinance) where a qualifying patient under the Act resides and is cultivating up to the maximum number of marijuana plants permitted by the Act for personal use or possesses up to the maximum amount of marihuana permitted by the Act for personal use.
- A building or structure (as defined by the Zoning Ordinance) other than a dwelling unit where no more than one qualifying patient under the Act is cultivating up to the maximum number of marijuana plants permitted by the Act for personal use or possesses up to the maximum amount of marihuana permitted by the Act for personal use.
- A dwelling unit or other building or structure where no more than one primary caregiver under the Act is cultivating up to the

maximum number of marihuana plants permitted by the Act for assisting a qualifying patient or possesses up to the maximum amount of marijuana permitted by the Act for assisting a qualifying patient.

RESOLVED, that Village Council directs staff and the Planning Commission to study and make specific recommendations for ordinance amendments regarding the issue of facilities for dispensing marihuana and/or cultivating plants for medical or any other purposes.

RESOLVED, that the moratorium imposed by this resolution shall expire the earlier of 120 days from its effective date or upon adoption by Village Council of ordinance amendments regarding the issue of facilities for dispensing marihuana and/or cultivating plants for medical or any other purposes.

AYES: Semifero, Carson, Fisher, Tell, Smith, Cousins and Keough

NAYS: None

RESOLUTION DECLARED ADOPTED THIS 23rd DAY OF AUGUST, 2010


Village President

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan, at a regular meeting held on the 23rd day of August, 2010.


Village Clerk